

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/629,968
Filing Date	July 30, 2003
First Named Inventor	Arias et al.
Art Unit	3672
Examiner Name	Frank S. Tsay
Attorney Docket Number	020569-01400 (P203-1316US)

ENCLOSURES (Check all that apply)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter
<input type="checkbox"/> Other Enclosure(s) (please identify below):
1. Comments on Statement for Reasons for Allowance
2. Post Card |
|---|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LOCKE LIDDELL & SAPP LLP		
Signature			
Printed name	John Wilson Jones		
Date	04-07-2005	Reg. No.	31,380

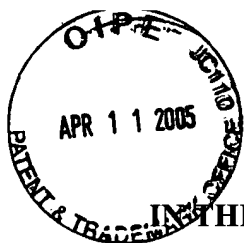
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	John Wilson Jones	Date	4-07-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Arias et al.

Serial No.: 10/629,968

Filed: July 30, 2003

Title: Storable Cementitious Slurries
Containing Boric Acid and
Method of Using the Same

§
§
§
§
§
§
§
§
§
§

Examiner: Frank S. Tsay

Group Art Unit: 3672

Attorney Docket No. 020569-01400
(P203-1316-US)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, contemporaneously with the filing of this communication, submit the Issue Fee of \$1,700.00.

In the Notice of Allowability dated January 27, 2005, the Examiner indicates his reasons for allowance of the claims:

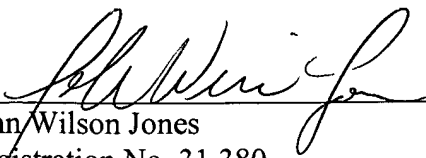
The prior art of record including D'Almeida et al teaches a storable cement slurry using blast furnace slag however the prior art of record fails to teach or suggest the use of boric acid in combination with suspending agent and a hydraulically active cementitious material wherein the amount of boric acid is between about 1-6% by weight.

However, not all of the claims of Applicants recite the weight limitation of boric acid to be between 1-6% by weight. In fact, Claims 6-23 do not even recite the amount of boric acid present in the cementitious slurry.

Applicants respectfully submit that the prior art of record does not teach or suggest the use of boric acid in combination with a suspending agent in a hydraulically active cementitious material. The Examiner's stated rationale places an unwarranted interpretation upon the claims.

Respectfully submitted,

Date: April 7, 2005

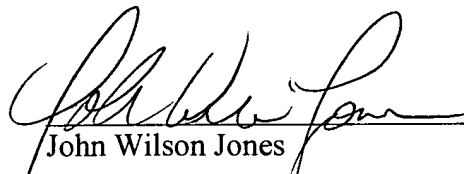


John Wilson Jones
Registration No. 31,380

LOCKE LIDDELL & SAPP LLP
3400 JP Morgan Chase Tower
600 Travis
Houston, Texas 77002-3095
Telephone: (713) 226-1142
Facsimile: (713) 229-2570

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 7th day of April 2005.



John Wilson Jones